IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5225 of 2005

Between:

Ch.S. Reddy S/o Venkat Reddy
GPP Depot, R/o Yenkayapally Village,

Medak District

..... PETITIONER

AND

The Depot Manager, APSRTC.,

Gajwal-Pregnapur Depot, Medak District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order, or direction more particularly in the nature of Certiorari calling for the records vide the proceedings, No. P1/255(2)/2004-GPP dt 17-2-2005, passed by the Respondent and quash the same as illegal, arbitrary and violation of the principles of natural justice, and consequently direct the Respondent to take the petitioner on duty immediately along with all consequential direct the Respondent to take the petitioner on duty immediately along with all consequential benefits, and pass such any other or orders as the Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.THIRUPATHI REDDY

Counsel for the Respondent: MR.SAMINENI KISHORE

The Court at the admission stage made the following:

ORDER:

Challenging the proceedings No.P1/255(2)/2004-GPP, dated 17.02.2005, issued by the respondent, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

The learned Counsel for the petitioner contended that there is no evidence in the enquiry to prove the charges leveled against the writ petitioner, therefore, issuing show cause notice is nothing, but abuse of process of the Court.

As seen from the impugned proceedings, after departmental enquiry conducted by the Enquiry Officer, the Enquiry Officer submitted his report to the disciplinary authority. The disciplinary authority, having accepted the same, issued a show cause notice, calling explanation from the petitioner, as to why he should not be removed from service. Challenging the same, the present writ petition is filed.

The authority, who issued the proceedings, is not under challenge. It is only show cause notice, calling explanation from the petitioner. The petitioner can as well give explanation to the show cause notice stating that the findings of the Enquiry Officer are not based upon any evidence, adduced in the departmental enquiry.

Therefore, the writ petition is devoid of merit, and is accordingly, dismissed. However, all the contentions raised in the writ petition are left open. No order as to costs.

Dated: 16.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Gajwel-Pregnapur Depot,

Medak District

2. Two CD copies

*Form-NIC-OGS/WP{**TRT**}*